

September 19, 1933

Honorable B. B. Moeur,
Governor of Arizona,
State Capitol Building,
Phoenix, Arizona

My dear Governor:

I have read the letter from Colonel John J. Hannan, addressed to you, being a statement covering the meeting of representatives of boards of prison management held in Washington, September 8th and 9th, 1933. I have also examined the proposed application which it is suggested that you should sign and address to the President of the United States asking his approval of a code of fair competition on industry within the penal institutions of the several states.

Colonel Hannan in his letter makes the following statement:

"Several of the codes adopted and presented to the Recovery Administration contained clauses which would either prohibit entirely the employment of prisoners or would so restrict their activities as to seriously disturb present prison employment programs."

In this behalf I direct your attention to the fact that the last Legislature in the regular session thereof adopted House Bill 118, Chapter 103, Session Laws 1933, which in part reads as follows:

"Section 1. No goods, wares or merchandise manufactured, produced or prepared wholly or in part by convicts or convict labor except convicts or prisoners on parole or probation shall be sold or exchanged on the open market within the State of Arizona."

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Section 2 of the act extended the prohibitions contained in section 1, quoted above, to prison made goods made in other states and shipped into this state.

The act of the Arizona State Legislature above referred to has nullified the possibility of the sale or exchange within the State of Arizona of prison made goods. It occurs to me that the State Legislature has thus adopted a code of principles which is absolutely contrary to the code of principles sought to be promulgated in the code suggested by the committee of which Colonel John J. Hannan is a member.

I am of the opinion that you can do naught but advise Colonel John J. Hannan of the action of the Arizona State Legislature and that the Governor of the State of Arizona could not with propriety and cannot legally sign the application seeking the establishment of the proposed code.

Respectfully submitted,

ATL/CD

Attorney General